

# CLAIMS RESOLUTION TRIBUNAL

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In re Holocaust Victim Assets Litigation  
Case No. CV96-4849

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2],  
the Estate of [REDACTED 3], and [REDACTED 4]

## **in re Account of Rudolf Mueller**

Claim Numbers: 201534/JG; 205063/JG<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (the “Claimant”) to the accounts of Johannes Müller, Ernst Friedrich Müller, Ida Müller, and Georg Müller.<sup>2</sup> This Award is to the published account of Rudolf Mueller (the “Account Owner”) at the Biel branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, any relatives of the claimants other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as her paternal uncle, Rudolf Fritz Ferdinand Müller, who was born on 26 October 1897 in Berlin, Germany, and was married to [REDACTED], née [REDACTED]. The Claimant indicated that her uncle, who was Jewish, was the brother of her father, [REDACTED], and of [REDACTED]. The Claimant further indicated that her paternal grandparents were [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that Rudolf Fritz Ferdinand Müller perished at the Gross-Rosen concentration camp in November 1941.

In support of her claim, the Claimant submitted copies of: (1) her father’s birth certificate, which indicates that [REDACTED] was born on 5 November 1893 in Berlin, and that his parents were

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<sup>1</sup> [REDACTED 1] (the “Claimant”) submitted one additional claim, which is registered under the Claim Number 201545.

<sup>2</sup> In separate decisions, the CRT treated the Claimant’s claims to the accounts of Johannes Müller, Ernst Müller, Ida Müller and Georg Müller. See *In re Accounts of Georg Müller and Ernst Müller* (approved on 31 December 2002); *In re Account of Dr. Johannes Müller* (approved on 28 May 2004); *In re Account of Ernst Müller* (approved on 8 December 2004); *In re Account of Ernst Mueller* (approved on 13 May 2005); and *In re Claimed Account Owner Ida Müller* (approved 24 April 2007).

[REDACTED] and [REDACTED], née [REDACTED]; (2) her uncle's birth certificate, which indicates that Rudolf Fritz Ferdinand Müller was born on 26 October 1897 in Berlin, and that his parents were [REDACTED] and [REDACTED], née [REDACTED]; and (3) her own birth certificate, which indicates that she was born on 7 November 1927, and that her parents were [REDACTED] and [REDACTED], née [REDACTED].

The Claimant indicated that she was born on 7 November 1927 in Berlin-Schöneberg, Germany. The Claimant is representing her sister, [REDACTED 2], née [REDACTED], who was born on 26 September 1920 in Berlin, and her cousins (the children of her paternal uncle Rudolf Fritz Ferdinand Müller) [REDACTED 3], née [REDACTED], who was born on 15 April 1925 in Neumark, Germany, and [REDACTED 4], née [REDACTED], who was born on 5 November 1928 in Halle, Germany. The Claimant previously submitted an Initial Questionnaire ("IQ") to the Court in 1999, as well as an ATAG Ernst and Young claim form in 1997, each asserting her entitlement to a Swiss bank account owned by Georg and Ida Müller.

### **Information Available in the Bank's Records**

The Bank's records consist of a list of suspended accounts and printouts from the Bank's database. According to these records, the Account Owner was Rudolf Müller.<sup>3</sup> The Bank's records do not indicate the Account Owner's domicile.

The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, numbered 17439, which was suspended by the Bank on 5 November 1979, when it held a balance of 32.15 Swiss Francs ("SF"). The account remains suspended.

### **The CRT's Analysis**

#### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

#### Identification of the Account Owner

The Claimant's uncle's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name.

In support of her claims, the Claimant submitted documents, including a copy of her uncle's birth certificate, providing independent verification that the person who is claimed to be the

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<sup>3</sup> The CRT notes that the Account Owner's surname was published in the ICEP List as "Mueller," and that in English, "ü" is transcribed as "ue."

Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

The CRT notes that the name Rudolf Mueller appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

#### Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that he perished at the Gross-Rosen concentration camp in 1941.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's uncle. These documents include copies of the her own birth certificate as well as the birth certificates of her father and uncle, which indicate that Rudolf Fritz Ferdinand Müller was the Claimant's paternal uncle. There is no information to indicate that the Account Owner has surviving heirs other than the parties represented by the Claimant.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a collective suspense account on 5 November 1979, and that it remains suspended.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of represented parties [REDACTED 3] and [REDACTED 4]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was the father of represented parties [REDACTED 3] and [REDACTED 4], and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Further, the CRT notes that represented parties [REDACTED 3] and [REDACTED 4], as the Account Owner's daughters, have a better entitlement to the account than the Claimant and represented party [REDACTED 2], the Account Owner's nieces.

#### Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of 5 November 1979 was SF 32.15. In accordance with Article

31(1) of the Rules, this amount is increased by an adjustment of SF 525.00, which reflects standardized bank fees charged to the account between 1945 and 1979. Consequently, the adjusted balance of the account at issue is SF 557.15. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

#### Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her cousins, who are the children of the Account Owner. [REDACTED 3] and [REDACTED 4] therefore have a better entitlement to the account than the Claimant and [REDACTED 2]. Accordingly, [REDACTED 3] and [REDACTED 4] are each entitled to a one-half share of the total Award amount. As noted above, the Claimant and [REDACTED 2] are not entitled to share in the Award.

#### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

#### **Certification of the Award**

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
30 September 2008